

spaces for display. The site has 533 spaces not counting the showroom spaces. He added that this complies with the Zoning Regs. Mr. Urice asked if all of the spaces would be used for parking. Todd Ingersoll said ideally they will stick to the site plan but they cannot say that all of the spaces will be available all of the time. He added that they try to keep the lot as open as they can for guests or shoppers, they do want to minimize any inconvenience for their customers. Mr. Doto said there are fifty-plus parking spaces on this site that are above the amount required.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mrs. Emminger said they are not waiting for anything so they can close the hearing.

Mr. Urice said he wanted to have a discussion before they close the hearing because he is concerned about compliance with the Zoning Regs. He said if they use the required parking spaces for inventory, then they are not meeting the requirements. Mrs. Emminger said compliance is up to the Zoning Enforcement Officer. He will go to the site and if it does not comply, he will issue a warning first, then a notice of violation and finally a Cease & Desist order. She said she understands Mr. Urice's concerns but compliance is not within the purview of this Commission. Chairman Finaldi said he has been on this site often and has never had an issue with finding a parking space. He said it would be counter intuitive to fill the customer parking area with inventory. Mr. Urice said it is not about walking; it is about finding a parking space.

Mr. Keller asked why not be at the required number of spaces and keep the extra 53 spaces for parking the inventory. Mr. Doto said they would rather exceed the requirement. This is a ten acre site with about eight acres being used, so there is a ton of parking. He said they deliberately put the stone wall out front along the property line to prevent any cars from being parked out there. He added that all size delivery trucks are able to come in and negotiate the site without ever putting the trucks into reverse. Mr. Keller asked if they have extra inventory for a sale. Mr. Ingersoll said they sell four different brands of cars, each with about fifty models, which adds up to a lot of cars on the lot.

Mr. Urice made a motion to close the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to number two under the Old Business on tonight's agenda. Mr. Cerminara seconded the motion and it was passed unanimously.

Shurgard Storage Centers Inc. – Application for new Special Exception/Revised Site Plan (1) for expansion of Existing Self-Service Storage (Originally approved as Site Plan) and (2) to allow use (Public Storage) generating over five-hundred (500) vehicle trips per day in the CA-80 Zone – 77-83 Mill Plain Rd. (#D14032) – SE #726.

Attorney Ken Slater said since they do not yet have a decision from EIC, he asked that they keep the public hearing open until the August 1, 2012 meeting. He added that they expect the decision at next week's EIC meeting on July 25, 2012.

Mark Kornhaas, Artel Engineering, said he and Mrs. Emminger had visited the neighbor's property on June 28, 2012. Mrs. Jugis, 71 Mill Plain Rd., had spoken at the previous meeting telling of various problems she has on her property that she believes are caused by the development of the subject property. She claimed her retaining wall is failing which is

causing her lawn to erode and problems with her driveway (which was built in 1959). Mr. Kornhaas said he and Mrs. Emminger spent some time there and walked the entire property, which is very well kept up. There is a mix of mature evergreens and deciduous trees on the property which is upwards from the subject property. Mr. Kornhaas noted that the embankment is not sloping off; it seems Mrs. Jugis planted some shrubs at an angle and they grew that way, so it seems sloped. Mrs. Emminger said the retaining wall was not an engineered structure; it appears that someone put it up and poured some concrete to hold it in place. She said there is minimal erosion there and the weight of the shrubs has caused them to lean over. Mr. Kornhaas said the roof elevation of the new building is at 511 ft. and Mrs. Jugis' home is at the same elevation. Mr. Keller asked the distance between the house and the new building. Mr. Kornhaas said the building is about 68 ft. from the property line and the house is about 50 ft. from the same property line. Mr. Kornhaas said both he and Mrs. Emminger agreed that what they observed on Mrs. Jugis' property is simply the result of the natural drainage pattern; the subject property is not affecting it. Mr. Kornhaas then said they had received a report from the Engineering Dept. which contains a lot of questions about the older plans, which Artel did not do, but they are addressing them. He then asked the Commission if they had thought about the aesthetics issues regarding the dressing of the buildings. All of the Commission members said they concur that the front building should be dressed up because that is what is seen from the road.

Mrs. Emminger said she would like them to keep the hearing open so they can one more review from the Engineering Dept. She then asked if they would give her direction tonight so they can close the hearing and vote on this at the August 1 meeting.

Mr. Urice made a motion to continue the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Urice then made a motion to add this item to the Old Business on tonight's agenda so they can give Mrs. Emminger some guidance in preparing a draft resolution. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

STLJ LLC -- Application for new Special Exception/Revised Site Plan Approval for (1) Bank by Drive-through use and (2) use (Bank) generating over five-hundred (500) vehicle trips per day in the CG-20 Zone, both to be incorporated into existing Special Exception #376 (Stew Leonard's) previously approved as high traffic generator - 99 Federal Rd. (#L08031) - SE #376.

Mr. Urice said he had listened to the tape from the June 6, 2012 meeting that he has missed so he is eligible to vote on this. Mr. Keller excused himself as he is not eligible to vote on this. Chairman Finaldi asked Mr. Ferguson to take Mr. Keller's place for the discussion and vote on this matter. Mrs. Emminger said the draft resolution was revised today. Mr. Urice noted the condition that was added prohibiting the sale and storage of materials unless they comply with what is shown and noted on the map. There are still a couple of conditions to be addressed and they are included in the resolution. Mr. Urice said they are right at the number of required parking spaces with no extras, so he does not expect to see any additional parking spaces being used for sale or storage of merchandise. Mr. Urice made a motion to approve this per the revised resolution. Mr. Cerminara seconded the motion and it was passed unanimously.

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Ingersoll Property Holdings of Danbury LLC – Application for Revised Site Plan in acc. w/Sec. 10.D.7. of the Zoning Regulations for Special Exception #622 (approved 1/5/05 & revised 2/10/06) for Saturn/SAAB Dealership now known as "Ingersoll Auto of Danbury", 84 Federal Rd. (#K111111). – SE #622.

Mrs. Emminger asked the Commission to give her some guidance about this so she can prepare a draft resolution. Chairman Finaldi said he has no problem with this proposal. Mr. Cerminara said he has bought three vehicles there and never had a problem parking. He added that when you bring the car in for service, you just drive up and someone comes out and takes it from you. He also said they all of the dealerships on Federal Rd. are loaded with inventory so you cannot drive through most of their lots and parking is tight on all of them.

Shurgard Storage Centers Inc. – Application for new Special Exception/Revised Site Plan (1) for expansion of Existing Self-Service Storage (Originally approved as Site Plan) and (2) to allow use (Public Storage) generating over five-hundred (500) vehicle trips per day in the CA-80 Zone – 77-83 Mill Plain Rd. (#D14032) – SE #726.

Mrs. Emminger asked the Commission to give her some guidance about this so she can prepare a draft resolution. Mr. Urice said barring something completely unforeseen, he does not have any problems with this application. Mrs. Emminger said it definitely was worth doing a site visit because the subject property is a really nice site. She said she had expected "Armageddon" the way Mrs. Juris described it, but unfortunately the problems on Mrs. Jugis' property have nothing to do with the subject property. And actually her property is in good condition; she is at the toe of the slope and the crack in her driveway is probably due to general wear and tear.

NEW BUSINESS

Town of Bethel – Application for Special Exception/Site Plan Approval for Water Storage Facility (“Eureka Lake Water Storage Tank”) in the RA-80 Zone – 37 Long Ridge Rd. (#J20026) – SE #727. *Public hearing scheduled for August 1, 2012.*

Mrs. Emminger said this is being treated as a completely new application. Chairman Finaldi said it would be on file in the Planning Office.

REFERRALS:

8-24 Referral/June 2012 City Council Agenda Item #4: Request for City to Purchase Private Property on Rockwood Lane (#B09007).

This is a 4.77 acre parcel with no street frontage that has been offered for sale to the City. It mostly abuts other City owned land and would add to the City's open space inventory. The purchase of this parcel would result in the City owning almost the entire perimeter of Boggs Pond. Mr. Keller made a motion to give this a positive recommendation because purchasing this would comply with the Plan of Conservation & Development by using land acquisition as a means of preserving land for parks and open space. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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At 8:30 PM, Mr. Cerminara made a motion to adjourn. Ms. Hoffstaetter seconded the motion and it was passed unanimously.